MONTANA LEGISLATIVE HISTORY

Chapter 568 1989

Bill H _____ S 215 Original bill & history ✓ C

H. Committee on Fish & Game

Hearing Date(s) 1/31 ✓ C

_____ _____ C

_____ _____ C

_____ _____ C

Date Out _____ _____ C

S. Committee on Fish & Game

Hearing Date(s) 3/7 ✓ C

_____ _____ C

_____ _____ C

_____ _____ C

Did this bill originate in an interim committee? ____ Yes ✓ No

Committee _____ Report _____

Ch. No.	Senate Bill	House Bill	Sponsor	Title
559		564	McCormick	AN ACT EXTENDING THE RESIDENTIAL PROPERTY TAX CREDIT FOR THE ELDERLY TO QUALIFYING PERSONS WHO RENT FROM HOUSING AUTHORITIES; AMENDING SECTIONS 15-30-171 AND 15-30-177, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE. ....Page 1373
560	77		Nathe	AN ACT TO RAISE THE COUNTY ROAD MILL LEVY IN FOURTH, FIFTH, SIXTH, AND SEVENTH CLASS COUNTIES FROM 18 MILLS TO 23 MILLS AND IN ALL OTHER COUNTIES FROM 15 MILLS TO 20 MILLS; AMENDING SECTION 7-14-2501, MCA; AND PROVIDING AN EFFECTIVE DATE.....Page 1375
561	107		Pinsoneault	AN ACT CLARIFYING THE LAWS RELATING TO EXECUTIVE CLEMENCY; AMENDING SECTIONS 46-23-301 THROUGH 46-23-303, 46-23-307, 46-23-315, AND 46-23-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.....Page 1376
562	257		Rapp-Svrcek	AN ACT TO ALLOW A CREDIT ON GASOLINE OR SPECIAL FUELS TAXES PAID BY A GASOLINE DISTRIBUTOR OR SPECIAL FUEL DEALER ON UNPAID ACCOUNTS; AND AMENDING SECTIONS 15-70-221, 15-70-225, AND 15-70-328, MCA. .....Page 1378
563	100		Aklestad	AN ACT TO DENY GENERAL RELIEF ASSISTANCE FOR 3 MONTHS TO A PERSON WHO VOLUNTARILY LEAVES EMPLOYMENT WITHOUT GOOD CAUSE OR WHO IS DISCHARGED FROM EMPLOYMENT DUE TO MISCONDUCT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE. ....Page 1380
564	139		Hager	AN ACT CHANGING FROM 18 MONTHS TO 24 MONTHS THE MAXIMUM TIME FOR REDEMPTION OF A PROPERTY TAX LIEN ACQUIRED AT A TAX SALE OR OTHERWISE WITH RESPECT TO PROPERTY SUBDIVIDED AS A RESIDENTIAL OR COMMERCIAL LOT UPON WHICH TAXES OR SPECIAL ASSESSMENTS ARE DELINQUENT AND UPON WHICH NO HABITABLE DWELLING OR COMMERCIAL STRUCTURE IS SITUATED; AND AMENDING SECTION 15-18-111, MCA. .....Page 1382
565	153		Rasmussen	AN ACT TO CLARIFY THAT AN OUTFITTER LICENSED UNDER TITLE 37, CHAPTER 47, MAY RETAIN THE SERVICES OF A PROFESSIONAL GUIDE ACTING AS AN INDEPENDENT CONTRACTOR IN THE HUNTING OR TAKING OF GAME BIRDS OR FISH; AND AMENDING SECTIONS 37-47-101, 37-47-301, 37-47-304, 37-47-309, AND 37-47-341, MCA.....Page 1383
566	201		Keating	AN ACT TO EXTEND UNTIL THE BOARD OF OIL AND GAS CONSERVATION ADOPTS A PROGRAMMATIC ENVIRONMENTAL STATEMENT, BUT NO LATER THAN DECEMBER 31, 1989, THE EXEMPTION OF THE BOARD OF OIL AND GAS CONSERVATION FROM THE REQUIREMENTS OF THE MONTANA ENVIRONMENTAL POLICY ACT WHEN ISSUING DRILLING PERMITS; EXTENDING UNTIL DECEMBER 31, 1989, THE DATE BY WHICH THE BOARD MUST ADOPT A PROGRAMMATIC ENVIRONMENTAL STATEMENT; AND AMENDING SECTION 75-1-201, MCA. ....Page 1387
567	207		B. Brown	AN ACT REQUIRING THE INSTALLATION OF SMOKE DETECTORS IN RENTAL UNITS; AMENDING SECTION 70-24-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE. ....Page 1390
568	219		Walker	AN ACT ESTABLISHING PUBLIC HUNTING REQUIREMENTS NECESSARY FOR LANDOWNER ELIGIBILITY FOR GAME DAMAGE ASSISTANCE; GRANTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE DISCRETION TO PROVIDE GAME DAMAGE ASSISTANCE IN CERTAIN CIRCUMSTANCES WHEN PUBLIC HUNTING IS DENIED; AND AMENDING SECTION 87-1-225, MCA. ....Page 1391
569	261		Bishop	AN ACT EXEMPTING FROM THE MONTANA SUBDIVISION AND PLATTING ACT THE RELOCATION OF A COMMON BOUNDARY LINE BETWEEN A LOT WITHIN A PLATTED SUBDIVISION AND LAND ADJOINING THE PLATTED SUBDIVISION; AND AMENDING SECTION 76-3-207, MCA...Page 1392

1/28	FISCAL NOTE RECEIVED		
1/30	FISCAL NOTE PRINTED		
1/31	HEARING		
2/08	COMMITTEE REPORT--BILL PASSED AND PLACED ON CONSENT CALENDAR		
2/10	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/09	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED	86	3
3/13	3RD READING CONCURRED	94	3
	RETURNED TO SENATE		
3/17	SIGNED BY PRESIDENT		
3/17	SIGNED BY SPEAKER		
3/18	TRANSMITTED TO GOVERNOR		
3/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 254 EFFECTIVE DATE: 10/01/89		

SB 219 INTRODUCED BY WALKER, ET AL.
ESTABLISH HUNTING ACCESS REQUIREMENTS FOR GAME DAMAGE ASSISTANCE ELIGIBILITY

1/23	INTRODUCED		
1/23	REFERRED TO FISH & GAME		
1/31	HEARING		
2/01	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/03	2ND READING PASSED AS AMENDED	50	0
2/06	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO FISH & GAME		
3/07	HEARING		
3/08	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED AS AMENDED	69	24
3/14	3RD READING CONCURRED	76	21
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	50	0
4/05	3RD READING AMENDMENTS CONCURRED	49	0
4/11	SIGNED BY PRESIDENT		
4/17	SIGNED BY SPEAKER		
4/17	TRANSMITTED TO GOVERNOR		
4/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 568 EFFECTIVE DATE: 10/01/89		

SB 220 INTRODUCED BY TVEIT, ET AL.
ALLOW DISCOUNT FOR PAYMENT OF ENTIRE PROPERTY TAX WHEN FIRST HALF IS DUE

1/25	INTRODUCED
1/25	REFERRED TO TAXATION
1/26	FISCAL NOTE REQUESTED
2/01	HEARING
2/03	FISCAL NOTE PRINTED
2/03	COMMITTEE REPORT--BILL PASSED AS AMENDED
2/06	REVISED FISCAL NOTE REQUESTED

SENATE BILL NO. 219

INTRODUCED BY WALKER, DRISCOLL, PIPINICH, REAM, BISHOP

IN THE SENATE

JANUARY 23, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 6, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 14, 1989	THIRD READING, CONCURRED IN. AYES, 76; NOES, 21.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989	RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 5, 1989

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

INTRODUCED BY [illegible] BILL NO. 219

[illegible] Grasser, Vincent, Bishop

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING PUBLIC HUNTING ACCESS REQUIREMENTS NECESSARY FOR LANDOWNER ELIGIBILITY FOR GAME DAMAGE ASSISTANCE; GRANTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS THE DISCRETION TO PROVIDE GAME DAMAGE ASSISTANCE IN CERTAIN CIRCUMSTANCES WHEN ACCESS IS DENIED; AND AMENDING SECTION 87-1-225, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-225, MCA, is amended to read:

"**87-1-225. Regulation of wild animals damaging property** -- public hunting access requirements. (1) Subject to the provisions of subsection (2), a landowner is eligible for game damage assistance or special damage hunts under subsection (3) if he:

(a) allows public hunting access sufficient to accomplish adequate game herd reduction during established hunting seasons; or

(b) does not significantly reduce public hunting access through lease hunting provisions, fee access rates, or other restrictions.

(2) The department may provide game damage assistance when public hunting access to a landowner's property has been denied because of unique or special circumstances that have rendered public hunting inappropriate.

(3) Within 48 hours after receiving a request or complaint from any landholder or person in possession and having charge of any land in the state that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the property or crops thereon, the department shall investigate and arrange to study the situation with respect to damage and depredation. The department may then decide to open a special season on the game or, if the special season method be not feasible, the department may destroy the animals causing the damage. The department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. No wild ferocious animal damaging property or endangering life shall be covered by this section."

NEW SECTION. **Section 2.** **Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-

LC 1108/01

INTRODUCED BILL
SB 219

STATE OF MONTANA
MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
CURRENT STATUS OF ALL BILLS EVER REFERRED TO (S) FISH & GAME

CHAIRMAN--ELMER SEVERSON
SECRETARY-LUCILLE BORER
NORMAL SCHEDULE==> SITE: ROOM 402

COMMITTEE--(S) FISH & GAME
DAYS: T,TH,S TIME: 1:00 P.M.

OFFICE--ROOM 311

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL	REFER DATE	LATEST DATE/ACTION ON BILL	
SB 6	12/30	01/25--(S) 3RD READING FAILED	
	SPONSOR: BISHOP, AL		TITLE-REMOVE PENALTY FOR CERTAIN GAME TAG VIOLATIONS DISCOVERED AT CHECK STATIONS
SB 33	01/02	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
	SPONSOR: BISHOP, AL		TITLE-RENAME AND REVISE UPLAND GAME BIRD ENHANCEMENT PROGRAM
SB 39	01/02	03/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: BISHOP, AL		TITLE-PENALTY FOR APPLYING FOR SPECIAL HUNTING LICENSE WITHIN 5 YEARS OF VIOLATION
SB 47	01/03	01/26--(S) 3RD READING FAILED	
	SPONSOR: BENGTSON, ESTHER		TITLE-DELETE OPEN SEASON RESTRICTION ON MOURNING DOVES
SB 48	01/03	03/09--(H) ADVERSE COM RPT ADOPTED (H) FISH & GAME	
	SPONSOR: PIPINICH, BOB		TITLE-10-YEAR RESTRICTION ON SPECIAL HUNTING PERMITS FOLLOWING SUCCESSFUL HUNT
SB 56	01/03	03/24--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/24/89
	SPONSOR: JENKINS, LOREN		TITLE-REVISE LANDOWNER ELK HUNTING PREFERENCE
SB 144	01/16	01/30--(S) ADVERSE COM RPT ADOPTED (S) FISH & GAME	
	SPONSOR: JENKINS, LOREN		TITLE-REVISE SYSTEM FOR DRAWING SPECIAL ELK PERMITS
SB 149 R	01/16	04/24--(S) DIED IN COMMITTEE	
	SPONSOR: WEEDING, CECIL		TITLE-REVISE FEE IN LIEU OF TAX ON BOATS
SB 153	01/16	04/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: RASMUSSEN, TOM		TITLE-OUTFITTER MAY RETAIN GUIDE AS INDEPENDENT CONTRACTOR
SB 173	01/18	04/24--(S) DIED IN PROCESS	
	SPONSOR: VAUGHN, ELEANOR		TITLE-ALLOW TEMPORARY MOTORBOAT PERMITS FOR ALL OUT-OF-STATE MOTORBOATS
SB 219	01/23	04/18--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: WALKER, MIKE		TITLE-ESTABLISH HUNTING ACCESS REQUIREMENTS FOR GAME DAMAGE ASSISTANCE ELIGIBILITY
SB 231	01/25	03/15--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/15/89
	SPONSOR: PIPINICH, BOB		TITLE-RESALE OF WILDLIFE CARCASSES NOT FOR HUMAN CONSUMPTION
SB 236	01/25	03/15--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/15/89
	SPONSOR: SEVERSON, ELMER		TITLE-COMPULSORY ELK KILL REPORTING
SB 237	01/25	03/24--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/01/90
	SPONSOR: SEVERSON, ELMER		TITLE-LIMIT COW ELK PERMIT TO TAKING OF COW ELK
SB 240	01/25	03/11--(H) ADVERSE COM RPT ADOPTED (H) FISH & GAME	
	SPONSOR: JENKINS, LOREN		TITLE-ALLOW DISABLED PERSON OR PERSON OVER 65 TO DESIGNATE ANOTHER HUNTER
SB 250	01/26	03/29--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
	SPONSOR: BECK, TOM		TITLE-INVOLUNTARY TRANSFER OF BOAT AND SNOWMOBILE TITLES
SB 260	01/27	03/29--(S) -	EFFECTIVE DATE: 10/01/89 (S1-13, 15)
	SPONSOR: BROWN, ROBERT		TITLE-REGULATE INTRODUCTION, PROLIFERATION AND SPREAD OF UNDESIRABLE FISH
SB 294	01/31	03/22--(S) CHAPTER NUMBER	EFFECTIVE DATE: 03/22/89
	SPONSOR: RAPP-SVRCEK, PAUL		TITLE-REGULATION OF TAKING OF AQUATIC FISH FOOD ORGANISMS FOR COMMERCIAL SALE
SB 306	02/01	04/24--TABLED IN COMMITTEE	

Question: Sen. Jenkins asked Sen. Pipinich if we had passed a law that outlawed the sale of teeth and claws intended for those coming into the state for grizzly bear parts.

Answer: Sen. Pipinich said it is stated in MCA 57-1-511. That was amended in 1985. The whole carcass cannot be sold at all. Only the trophy hunter can do that.

Question: Sen. Jenkins mentioned to Mr. Harmon that bears had been included in the amendment and it should be a department concern.

Answer: Mr. Harmon stated that the main concern the trappers had is that the fur bearer itself was a trophy. But the other body parts are not considered to be trophies. The trappers had to turn in the bobcat carcasses for study purposes and the State incinerated them. But lure manufacturers were buying them and last year the State made $10,000 from those sales.

Closing by Sponsor: Sen. Pipinich stated that if the language "...for human consumption..." has no bearing on the bill then there is no reason to leave it in there. But, when we consulted professional bill writers that language was included. If Fish and Game wants the amendment, I would be in agreement with them.

HEARING ON SENATE BILL 219

Presentation and Opening Statement by Sponsor: Sen. Mike Walker stated that this bill is a peace gathering device. It seems that landowners and hunters have been working with each other and against each other during the last several years. A lot of people where I live, which is an urban area, have been complaining against the rural landowners. The rural ranchers have been giving me the landowners viewpoint.

In this bill I tried to establish a situation where things are delineated in law to the point where people can't exaggerate. This bill says that public hunting access requires game damage reimbursements. There are three parts. Part (a) and (b) on page one is written to help reduce problems of damage caused by game animals, qualifying the landowner for game damage reimbursement. Part (2) under sub-section (b) is written for special circumstances. A christmas tree farm is a haven for deer who like to eat the bark off those trees. It is also an extremely populated area

and you couldn't have a lot of people hunting there without jeopardizing the safety of his neighbors. He could post his land and receive game damage reimbursement.

This bill is a peace-maker between landowners and landowners, as well as landowners and sportsmen. When someone closes off their land to hunting, it creates a haven for animals to flock to. There is approximately $200,000 to $300,000 being spent currently on game damage reimbursement. Those monies are sportsman's license and tag fees. I'm advocating that if someone does not want hunting on their land, they have the right to post it.

List of Testifying Proponents and What Group they Represent:

Don Chance, Montana Wildlife Federation
Ron Marcoux, Department Fish, Wildlife & Parks
Vera Cahoon, Montana Bow Hunters Association
Julie Hacker, Montana Landowner
Lorna Frank, Montana Farm Bureau

List of Testifying Opponents and What Group They Represent:

Kim Enkerud, Montana Stockgrowers Association

Testimony:

Don Chance stated that the origin of this bill comes from efforts of the last two years. It involves two separate conferences and working committees. This bill, in concept, constitutes an idea which states that game damage can be a serious problem. The most efficient and cost-effective way to deal with this problem is through ample and well-directed hunting. The Department currently spends between $200,000 and $300,000 annually on the problem. The principal behind this bill is that it is unfair to the landowners who need those dollars the most. It is also unfair to the sportsman, who gained a tag, to have to pay for game damage assistance when public hunting is prohibited or severely restricted.

There are two examples. Ted Turner is purchasing vast amounts of acreage in Broadwater County. He wants to make it a private fishing and hunting reserve. He has a serious interest in significantly increasing the elk heard on that property. He will be closing that land to public hunting. The surrounding landowners will have to pay the price for that in terms of increased

game damage as a result of the increase of those herds in that area.

The second example is an instance where a ranch may be leased out and the landowner or the outfitter has chosen to restrict hunting on the property, to the people who have been brought in, to a six point bull. There is very little hunting pressure brought against that heard during normal hunting season. But the landowner will still ask for game damage assistance. The Montana Wildlife Federation has been working with the landowner community on this bill long before the session began.
Copies of the bill were provided to the Stockgrowers and Woolgrowers with an open invitation to see if we couldn't come up with something that was constructive to all parties. We fully support the amendments that were offered later by the Stockgrowers Association. The bill states that if you close your land to public hunting, you are not eligible for game damage assistance. If you open your land for public hunting, you are eligible for game damage assistance. We hope the committee gives this bill a do pass recommendation.

Mr. Marcoux left his testimony. See Exhibit #3.

Vera Cahoon left her testimony. See Exhibit #4.

Julie Hacker stated she is a landowner in the Blackfoot area. She has been the recipient of the increasing elk heard numbers by an out of state person who came and purchased the land. Our elk heard has grown in 20 years from zero to 80 elk feeding on my property every night. I fully support the concept of this bill.

Lorna Frank stated that they fully support this bill.

Kim Enkerud left her testimony. See Exhibit #6 & 6a.

Questions From Committee Members: Sen. Paul Rapp-Svrcek asked Don Chance how this bill would help people from situations like Ted Turner buying land and closing it off from hunters.

Answer: Mr. Chance stated that Ted Turner is probably not the kind of person to ask the Department for game damage assistance. There are some examples around the state where landowners ask the State for assistance and the Department is obligated to provide that assistance. We feel it is a matter of fairness. The easiest way to solve the problem is to exert a lot of hunting pressure in these areas.

Question: Sen. Rapp-Svrcek asked Don Chance if the Federation was in agreement with the Stockgrowers amendments to delete "lease hunting and fee access".

Answer: Mr. Chance stated that it was their preference to leave that language in the bill. But the nature of an effort like this is compromise and the Stockgrowers have gone the extra mile to work with us. The groups involved have come to an agreement. So, the Montana Wildlife Federation would be opposed to regaining that language simply because we feel we have an obligation to follow through on our commitments to the Stockgrowers and Woolgrowers.

Question: Sen. Rapp-Svrcek stated to Kim Enkerud that he was concerned about the way they deleted the language regarding lease hunting and fee access. He is worried about landowners charging exorbitant fees which would leave the average Montana hunter out, but that landowner would still be able to get game damage assistance. Was there any thought given to putting some limiting language as to the amount a landowner could lease rights for, and still be eligible.

Answer: Ms. Enkerud stated that at their natural resources committee meeting that exact point was brought up. But, the members are split, so we did not really delve into the issue.

Response: Mr. Chance responded to Sen. Rapp-Svrcek that the second phrase, as it would read under the proposed amendments, we think deals with it. It still leaves some discretion to the Department as to what constitutes a significant restriction. But, if a landowner is charging very high rates for hunters, most people would say because it was such a high rate, game damage assistance should be restricted. It is our belief that in those kinds of instances, it would be deemed by the Department as a significant restriction and game damage assistance would not be offered. Our original language in this bill was dealing with the extremes. We are not trying to penalize anyone for charging for fee access hunting.

Question: Sen. Paul Rapp-Svrcek asked Ron Marcoux if he would address the same concern. Are you comfortable with the Department being able to make a concern under the Stockgrowers proposed amendments?

Answer: Mr. Marcoux stated that the key as they have it is, it does not significantly reduce public hunting

access. So there may be the need for some restrictions in the form of lease hunting and fee access fees. An illustration might be a situation where fees were charged for taking only the male segment of the population. And, consequently the female segment of the population was untouched and continued to allow the population to build. That is an entirely different situation then an individual who charges a reasonable fee and allows hunting on both segments of the population and keeps it under somewhat more control. There will have to be discretion, as it is worded here, utilized by the Department.

Question: Sen. Jenkins asked Mr. Marcoux if money was being given to ranchers.

Answer: Mr. Marcoux stated that the Department has received appropriations authority from the legislature as part of our base level program in order to administer the game damage assistance program. We are currently operating right around $100,000 per year. That is the level of the program we are dealing with. It doesn't deal with dollars for an individual as far as salary. It only deals with supplying game damage materials, etc. But, nothing to the ranchers.

Question: Sen. Jenkins asked Kim Enkerud if she understood why (3) had been included in 1987. He stated they were addressing game damage. They could never get the Department to come up with the money. But your amendment is giving Fish and Game discretion. He asked her if she was aware of how successful fencing was.

Answer: Ms. Enkerud stated she is from a ranch by Glasgow and they have problems. They fenced them in with bloodmeal and it works for a time and after a while the deer get smart.

Question: Sen. Bishop asked Ron Marcoux if he knew that a property owner must recognize the fact that there may be some injury to property or inconvenience from wild game, for which there is no recourse. So there is no automatic answer.

Answer: Mr. Marcoux stated that our interpretation is that we are responsible under game damage problems to go out and find a reasonable way to address that concern. In every case you might not have to hold a damage hunt to go to a kill permit situation. It is realistic to have other options open to us.

Question: Sen. Bishop asked Mr. Marcoux if they investigate in every case. And, then do you give assistance in all instances?

Answer: Mr. Marcoux stated he couldn't think of a specific instance where they don't give assistance. We feel the responsibility to provide some assistance if it is feasible or reasonable to do it. There is a technique available.

Question: Sen. Bishop asked Mr. Marcoux if when the Department does, do you take into the consideration that it might have been posted "No Hunting" on the property.

Answer: Mr. Marcoux replied that in those cases there are generally too many animals and the only realistic way to deal with the situation is to reduce numbers. In most cases the landowner will go with a hunt. In other cases we end up satisfactorily dealing with the problem by providing fencing.

Question: Sen. Bishop asked Mr. Marcoux if they ever refused to help someone.

Answer: Mr. Marcoux stated that our position, under the law, is to find a reasonable way to help.

Question: Sen. Bishop asked Mr. Marcoux how they rectify that with this case which is our law in Montana? There may be some injury to property or inconvenience from wild game from which there is no recourse.

Answer: Mr. Marcoux stated that if there is a game damage hunt your objective is not to go out and kill every animal in the area. If you are going to take reasonable steps, understanding that there is still going to be some game that may still be impacted, you would have to deal with each existing situation and the number of animals and the degree of impact that is occurring.

Question: Sen. Jenkins stated that the way the law was written it said that you shall investigate, but it gives you the discretion that the Department may then decide to open a special season, or you may not decide to open a special season.

Answer: Mr. Marcoux stated that they are currently dealing with the law in that way.

Question: Sen. Jenkins asked Mr. Marcoux if the Department has people that strictly outfit or lease hunt during the regular season.

Answer: Mr. Marcoux stated that there are some areas where we do have a hunting season that takes place during the regular season such that the general public is not allowed, and we have initiated late season hunts after the regular season to accommodate the landowner to reduce the game animals.

Question: Sen. Jenkins asked Kim Enkerud if the stockgrowers agree that this is the way the game animals should be handled.

Answer: Kim Enkerud stated that this was brought up in the natural resources committee. They had a split again.

Question: Sen. Severson mentioned to Mr. Marcoux about a problem in the Bitterroot with a large state owned elk heard of 1,000 head. They are damaging private owned land. The last time I was at a meeting with the Department, stock farm people and landowners, it was discussed that the only answer was an elk-type fence. But, I don't think that is the answer. This problem relates to this bill and we need some discussion on it. There is a game range very close to that area. These elk are coming to green-feed both spring and fall. The elk are tearing down the fences to get to the green feed and we need a way to keep the elk out.

Answer: Mr. Marcoux stated the resolution is ultimately to have an ownership that will allow some way to disburse the animals ownership.

Closing by Sponsor: Sen. Walker mentioned the point about fee-hunting. We must remember that there is a cost of doing business and in those situations their business relies heavily upon the fact that those animals are on their property. Otherwise, they wouldn't have any fee-hunting. The most important thing that I've seen here today is that I've been to four or five meetings during the interim with both groups, and there has been a lot of arguing and emotion. Today, we see the culmination of a bill after all sides of the fence are working together to try and put a cap on this situation and restore some peace and tranquility for hunter/landowner relationship. I appreciate that because these issues are extremely important. So I would encourage a Do Pass.

DISPOSITION OF SENATE BILL 48

Discussion: Sen. Yellowtail moved that the committee reconsider action on SB 48. Sen. Jacobson stated that we need to amend the bill. She suggested a Statement of Intent and read it to the committee. Sen. Jenkins wanted to change the time period from ten years to seven.

Amendments and Votes: Sen. Yellowtail moved to amend the bill by striking the word "bull" from the bill and it passed on a voice vote. See Exhibit #7.

Amendments and Votes: Sen. Jenkins moved to change 10 years to seven. The amendment passed on a voice vote.

Amendments and Votes: Sen. Jacobson moved the statement of intent. It passed on a voice vote. See Exhibit #7.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved to pass the bill with the new statement of intent as amended. It passed on a voice vote.

Recommendation and Vote: Senate Bill 48, with a statement of intent DO PASS AS AMENDED on a voice vote.

DISPOSITION ON SENATE BILL 231

Discussion: None

Amendments and Votes: Sen. Jenkins moved that the amendments of the Department be accepted. The amendments passed on a voice vote. See Exhibit #8.

Recommendation and Vote: Senate Bill 231, with amendments DO PASS AS AMENDED on a voice vote.

DISPOSITION ON SENATE BILL 219

Discussion: Sen. Jenkins resisted the amendments of the Montana Stockgrowers Association. The Stockgrowers and the Fish and Game Department have been trying to work together, but I'm adamant that they have to allow enough public hunting on their land to allow the Fish and Game Department to harvest the game animals. If they take that discretion away from the Fish and Game Department then they will be liable for the damage caused by the game animals.

Sen. Paul Rapp-Svrcek didn't think that the amendments hindered the Department's discretion regarding game damage. It seems to clarify the situation. Also, this is the first time I've seen these two groups come in on a game damage bill on the same side. I think we should accept the amendments.

Sen. Jacobson stated that the bill gives the Department more discretion on how they interpret the law, but the safeguards are all still there.

Sen. Severson repeated the fact the two groups are together today on one issue, based on these proposed amendments, and we should definitely take that into consideration. Sen. Anderson, Jr. concurred on that point.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved to pass the first five amendments suggested by the Montana Stockgrowers Association. The amendments passed on a voice vote. See Exhibit #9.

Amendments and Votes: Sen. Paul Rapp-Svrcek moved that the last amendment proposed by the Montana Stockgrowers be passed. The amendment passed on a voice vote.

Recommendation and Vote: Sen. Paul Rapp-Svrcek moved that the bill as amended be passed. It was passed on a voice vote. DO PASS AS AMENDED.

ADJOURNMENT

Adjournment At: 2:30 p.m.

ELMER D. SEVERSON, Chairman

LAB/FISMIN.131

FISMIN.131

ROLL CALL

FISH AND GAME COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 1/31/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Elmer Severson	X		
Sen. John Anderson Jr.	X		
Sen. Judy Jacobson	X		
Sen. Al Bishop	X		
Sen. Paul Rapp-Svrcek	X		
Sen. Loren Jenkins	X		
Sen. Bill Yellowtail	X		

Each day attach to minutes.

SF-2 (Rev. 1987)

SB 219
January 31, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks.

The department's responsibility for wildlife damage is found in 87-1-225 MCA. This statute requires the department to investigate all wildlife damage complaints within 48 hours and to assist in resolving the problems. The law does not require landowners to meet any criteria in order to qualify for assistance.

The department estimates approximately 30% of the complaints investigated involve situations where inadequate hunting has occurred. These situations occasionally cause problems to neighboring landowners. Many are a result of very restricted hunting due to lease or trespass fees or, in some cases, the landowner allowing no hunting at all.

In some cases, we have to address the problems with late season hunts which are costly and time consuming, or, as a last resort, allow kill permits to more quickly deal with a problem.

The department supports passage of SB-219.

SENATE FISH AND GAME
EXHIBIT NO. 3
DATE January 31, 1989
BILL NO. SB 219

WITNESS STATEMENT

NAME: Vera Cahoon DATE: 1/31/89

ADDRESS: 908 Park Ave.

PHONE: 442-2264

REPRESENTING WHOM? Montana Bowhunters Assn

APPEARING ON WHICH PROPOSAL: S.B. 219

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: MBA would like to voice our support for S.B. 219.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE FISH AND GAME
EXHIBIT NO. 4
DATE January 31, 1989
BILL NO. SB 219

WITNESS STATEMENT

NAME: Julie Hacker DATE: 1/31

ADDRESS: Landowner

PHONE:

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 219

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS:

Support, concept of letting access to Hunters in order to receive compensation for damage —

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE FISH AND GAME
EXHIBIT NO. 5
DATE January 31, 1989
BILL NO. SB 219

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

OFFICERS:

WM. J. BROWN, JR.	SAND SPRINGS	PRESIDENT
JAMES COURTNEY	ALZADA	FIRST VICE PRESIDENT
EDWARD J. LORD	PHILIPSBURG	SECOND VICE PRESIDENT
JEROME W. JACK	HELENA	EXECUTIVE VICE PRESIDENT
KIM ENKERUD	HELENA	NATURAL RESOURCES COORDINATOR

EXECUTIVE COMMITTEE:

CLARENCE BLUNT	REGINA	WM. T. HARRER	FORT BENTON
BILL CHRISTENSEN	HOT SPRINGS	KNUTE HEREIM	MARTINSDALE
LYNN CORNWELL	GLASGOW	EARL LINDGREN	JOLIET
M.E. EDDLEMAN	WORDEN	ROLAND MOSHER	AUGUSTA
NANCY ESPY	BOYES	GREG RICE	HARRISON

January 31, 1989

TO: Senate Fish and Game Committee

FROM: Montana Stockgrowers Association

SUBJECT: SB 219, an Act Establishing Public Hunting Access Requirements for Game Damage Assistance

Mr. Chairman, Members of the Committee:

My name is Kim Enkerud. I am representing the Montana Stockgrowers Association.

We oppose this bill as written and offer the following amendments:

Page 1, Line 16 - delete "or special damage hunts".

We feel special damage hunts should be available as a management tool for the Montana Department of Fish, Wildlife and Parks to use at all times, not when certain requirements are met by landowners. This bill addresses problem situations that require the attention of the Department. We question whether the Department wants their ability to handle problem situations curtailed.

Page 1, Lines 18 and 19 - delete "sufficient to accomplish adequate game herd reduction".

There are many instances in which the wildlife give the rancher no problems during the hunting season. However, as soon as cold weather hits or the alfalfa, crested wheat, or grain crops start to grow, wildlife are creating a problem. Maybe a rancher has provided access, perhaps not. But in instances I have just mentioned, game herd reduction was not accomplished.

Page 1, Lines 22 and 23 - delete "lease hunting provisions, fee access rates, or other restrictions", add - "imposed restrictions".

The Montana Stockgrowers Association respects the right of a landowner to lease hunting privileges and to charge an access fee. We feel if this were to be left in the bill, it could be misconstrued that the State of Montana is actively seeking to curtail these avenues.

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE January 31, 1989
BILL NO. SB 219

We also have a question what the term "significantly reduce" means. A landowner's definition could be and probably will be entirely different than the Department's or a sportsman's.

Page 2, Line 15 after "damage." Add - "The Department may use other game damage control techniques deemed necessary by the Department to assist in resolving game damage.

As this section is written now, the avenues for game damage are special seasons, destruction of the animals by the Department, and kill permits. If this language were added, it would open a door for other methods of game damage assistance. We still feel the Department should also look at the avenue of monetary compensation in special cases.

Our Natural Resources Committee was given the opportunity to review this bill by Mr. Chance of the Montana Wildlife Federation. What I have presented here today is the committee's recommendations. We have met with Mr. Chance and Mr. Marcoux in regard to these amendments and all parties have agreed to their inclusion in this bill.

Our organization is still very concerned with the interpretation of some of the language in this bill as I have stated. The relationship between the Department and some landowners is very touchy in certain areas. We are concerned with an occasion arising in which the landowner has a problem and calls the Department. The Department then determines, by reading this bill as to whether the landowner qualifies for game damage. If a difference of interpretation of the language occurs, will this help or harm landowner-sportsmen relationships?

In closing, we oppose this bill as written, but would support it if the amendments are adopted and language definitions are cleared up.

Thank you.

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

OFFICERS:

WM. J. BROWN, JR.	SAND SPRINGS	PRESIDENT
JAMES COURTNEY	ALZADA	FIRST VICE PRESIDENT
EDWARD J. LORD	PHILIPSBURG	SECOND VICE PRESIDENT
JEROME W. JACK	HELENA	EXECUTIVE VICE PRESIDENT
KIM ENKERUD	HELENA	NATURAL RESOURCES COORDINATOR

EXECUTIVE COMMITTEE:

CLARENCE BLUNT	REGINA	WM. T. HARRER	FORT BENTON
BILL CHRISTENSEN	HOT SPRINGS	KNUTE HEREIM	MARTINSDALE
LYNN CORNWELL	GLASGOW	EARL LINDGREN	JOLIET
M.E. EDDLEMAN	WORDEN	ROLAND MOSHER	AUGUSTA
NANCY ESPY	BOYES	GREG RICE	HARRISON

Senate Bill 219
Amendments

Page 1, Line 16
Delete - or special damage hunts

Line 18
Delete - sufficient to

Line 19
Delete - accomplish adequate game herd reduction

Line 22
Delete - lease hunting provisions, fee access rates

Line 23
Delete - or other restrictions
Add - imposed restrictions

Page 2, Line 15
Add after "damage." - The Department may use other game damage control techniques deemed necessary by the Department to assist in resolving game damage.

SENATE FISH AND GAME
EXHIBIT NO. 6a
DATE January 31, 1989
BILL NO. SB219

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Fish and Game, having had under consideration SB 219 (first reading copy -- white), respectfully report that SB 219 be amended and as so amended do pass:

1. Page 1, line 16.
Strike: "or special damage hunts"

2. Page 1, lines 18 and 19.
Following: "access"
Strike: remainder of line 18 through "reduction" on line 19

3. Page 1, lines 22 and 23.
Following: "through"
Strike: remainder of line 22 through "other" on line 23
Insert: "imposed"

4. Page 2, line 15.
Following: "damage."
Insert: "The department may use other game damage control techniques considered necessary to assist in resolving the damage."

SENATE FISH AND GAME
EXHIBIT NO. 9
DATE January 31, 1989
BILL NO. SB 219

AND AS AMENDED DO PASS

Signed: _____
Elmer D. Severson, Chairman

2/1/89
10:28 A.M.

scrsb219.201

VISITORS' REGISTER

FISH AND GAME COMMITTEE

BILL NO. SB 219 DATE January 31, 1989

SPONSOR Walker

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Kim Enkerud	MT. Stockgrowers		as writter X
Koga Cahoon	MT Bowhunters Assn	X	
Louise Hacker	Landowner	X	
Don CHAPPELL	M. WILDLIFE FED.	X	
Ron Marcoux	FWP	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-32
Rev. 1985

STATUS SHEET

51 LEGISLATIVE SESSION

Fish and Game COMMITTEE

Senate Bills

BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SBZ31	2/21	2/28	2/28					2/28			
SB 173	2/21	2/28	2/28					2/28			
SB 39	2/21	3/2	3/2					3/2			
SB 48	2/21	~~3/2~~ 3/7	3/7						3/7		
SB237	2/21	3/2	3/2							3/2	
SB 33	2/21	3/7	3/7					3/7			
SB219	2/21	3/7	3/7					3/7			
SB 240	2/21	3/9	3/9						3/9		
SB294	2/21	3/9	3/9					3/9			
SB56	2/21	3/9	3/9					3/9			
SB236	2/22	3/2	3/2					3/2			
SB250	2/22	3/14	3/14					3/14			
SB260	2/22	3/14	3/14					3/14			
SB 388	2/22	3/14	3/14							3/14	

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

SEN. BISHOP: This is a program that will benefit not only wildlife but everyone. That is why we live in this state. To enjoy the wildlife. And the nice thing is that this bill will benefit alot of people and funded by a special group.

DISPOSITION OF SENATE BILL 33

Motion: Rep. Daily motioned a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN" FOR THIS BILL.

HEARING ON SENATE BILL 219

Presentation and Opening Statement by Sponsor:

SEN. WALKER: This bill is a culmination of alot of peoples work and effort. To try to gather the landowner and sportsman a little closer together. (Read text of bill) We have had a tremendous amount of pressure on both sides of the issue. With the hunters and landowners, this bill will eliminate some of that pressure.

Testifying Proponents and Who They Represent:

Mr. Don Chance/ Mt. Wildlife Federation, Helena

Ms. Kim Enkerud/National Resource Coordinator, Mt. Stockgrowers Assoc., Helena

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena

Ms. Valeri Larson/ over 3,500 Farm Bureau members

Proponent Testimony:

Mr. Chance: This bill involves improving the relationship between landowners and hunters. It is unfair to the landowners, as they are the ones that need those dollars the most. And unfair to the sportsmen, to pay the tab for the game damage assistance program. And attempt to hunt in areas that have been prohibitive or severely restricted. There are a number of examples in the state where a major portion of property may be leased out to people involved in restrictive hunting regulations on their land. This bill will solve some of those types of problems. There is information within the bill to provide for game damage assistance in unique or special circumstances. This bill does not effect the fee for access to the hunter. As long

as it is deemed reasonable. This bill came out of the Senate without a single descending vote.

Ms. Enkerude: (See Exhibit #11)

Mr. Ron Marcoux: (See Exhibit #12)

Ms. Larson: We see the need to require that landowners allow hunters on his or her property in order to be entitled for compensation of game damage.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. KELLER: Under the present rules. If someone has not allowed hunting during the season, are you giving those persons fencing material? If they have some game damage? MR. MARCOUX: If they met the criteria we would buy the materials. REP. KELLER: I am wondering who interprets that word "restrictive"? MR. MARCOUX: That would be decided on a case by case basis, following the chain of command.

REP. DEMARS: If I don't let hunter's drive on your property is that restrictive? MR. MARCOUX: No, if you provided walking access, you would qualify.

REP. ELLISON: What about migratory herds? MR. MARCOUX: That would be a unique situation and would have to be addressed on a case by case basis.

REP. DEMARS: Who is the person that makes those special determinations? MR. MARCOUX: Initially, it would be the game warden. I would assume that if there are questions they would move up through the chain of command within the Dept. for clarification.

Closing by Sponsor:

SEN. WALKER: This is also a fairness issue in the eyes of the sportsmen. It is important to help close this gap.

DISPOSITION OF SENATE BILL 219

Motion: Rep. Daily motioned a "do pass"

Discussion: Rep. Keller: In regard to the rule-making authority in this legislation. In the event that you would ask for

assistance, you would go to your local game warden. Remember that some game wardens do not have good reputations in their areas, and that may effect the situation. Mr. Marcoux: I understand your concerns, and we would definitely have to have some sort of appeals process available.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN" FOR THIS BILL.

HEARING ON SENATE BILL 48

Presentation and Opening Statement by Sponsor:

SEN. PIPINICH: We labeled this bill a "Trophy Hunt Bill". This bill was worked over with the Fish and Game Dept. and we came up with a 7 year wait. We were concerned with alot of the paperwork that the Fish and Game had, so we revised this and came up with a fine. Taking the hunting license. If you are successful, you cannot hunt these particular species for a period of 7 years.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena

Mr. Don Chance/ Mt. Wildlife Federation, Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #14)

Mr. Chance: We strongly support this legislation.

Testifying Opponents and Who They Represent:

Mr. Dan Seller/ hunter, Bozeman

Opponent Testimony:

Mr. Sellers: (See Exhibit #15)

Questions From Committee Members:

REP. DEMARS: What are the chances of drawing twice? MR. MARCOUX: This does happen occasionally.

REP. KELLER: What kind of statistics do you have on these draws. MR. MARCOUX: We don't have those figures, it is all probabilities. The chances are still low. You have such a high number of individuals drawing those special licenses,

DAILY ROLL CALL

FISH AND GAME COMMITTEE

51st Session - Legislative Council

Date March 7

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily	✓		
Gene DeMars	✓		
~~Bob Pavlovich~~ Bob Gervais	✓		
Bob Raney	✓		
Bill Strizich	✓		
Roger DeBruycker	✓		
Orval Ellison	✓		
Ralph Eudaily			✓
Marian Hanson			✓
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

ROLL CALL VOTE

FISH AND GAME COMMITTEE

DATE _____ BILL NO. SB 219 NUMBER _____

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
REp. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY 15 _____

maureen Cleary
Secretary

_____
Chairman

MOTION: rep. ~~Daily~~ Ream "do pass"

Ream

Form CS-31
Rev. 1985

STANDING COMMITTEE REPORT

March 8, 1989

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 219 (third reading copy -- blue) be concurred in.

Signed: _____
Bob Ream, Chairman

[REP. REAM WILL CARRY THIS BILL ON THE HOUSE FLOOR]

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

OFFICERS:

WM. J. BROWN, JR.	SAND SPRINGS	PRESIDENT
JAMES COURTNEY	ALZADA	FIRST VICE PRESIDENT
EDWARD J. LORD	PHILIPSBURG	SECOND VICE PRESIDENT
JEROME W. JACK	HELENA	EXECUTIVE VICE PRESIDENT
KIM ENKERUD	HELENA	NATURAL RESOURCES COORDINATOR

EXECUTIVE COMMITTEE:

CLARENCE BLUNT	REGINA	WM. T. HARRER	FORT BENTON
BILL CHRISTENSEN	HOT SPRINGS	KNUTE HEREIM	MARTINSDALE
LYNN CORNWELL	GLASGOW	EARL LINDGREN	JOLIET
M.E. EDDLEMAN	WORDEN	ROLAND MOSHER	AUGUSTA
NANCY ESPY	BOYES	GREG RICE	HARRISON

March 7, 1989

EXHIBIT #11
DATE 3/7/89
HB SB219

TO: House Fish and Game Committee

FROM: Kim Enkerud, Natural Resources Coordinator, Montana Stockgrowers Association

SUBJECT: Senate Bill 219, Landowner Eligibility for Game Damage Assistance

Mr. Chairman, Members of the Committee:

My name is Kim Enkerud. I am the natural resources coordinator for the Montana Stockgrowers Association.

In January, Don Chance of the Montana Wildlife Federation, presented the original version of this bill to the Natural Resources Committee of the Montana Stockgrowers. After much discussion, the committee offered amendments to the bill before they would support it. These amendments were accepted by the Montana Wildlife Federation. The Senate Fish and Game Committee adopted the amendments and the result is the bill you have before you.

Game damge assistance will still be available to most landowners. If the bill passes, we will have to see if it works or not.

We urge the committee concur Senate Bill 219.

Thank you.

KE:ejr

EXHIBIT #12
DATE 3/7/89
HB SB219.

SB 219
March 7, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks.

The department's responsibility for wildlife damage is found in 87-1-225 MCA. This statute requires the department to investigate all wildlife damage complaints within 48 hours and to assist in resolving the problems. The law does not require landowners to meet any criteria in order to qualify for assistance.

The department estimates approximately 30% of the complaints investigated involve situations where inadequate hunting has occurred. These situations occasionally cause problems to neighboring landowners. Many are a result of very restricted hunting due to lease or trespass fees or, in some cases, the landowner allowing no hunting at all.

The department supports passage of SB 219.

EXHIBIT #13
DATE 3/7/89
HB SB219

MONTANA FARM BUREAU FEDERATION
502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

BILL # SB 219; TESTIMONY BY: Valerie Larson

DATE 3/07/89; SUPPORT yes; OPPOSE

Mr. Chairman, members of the Committee, for the record, my name is Valerie Larson, representing over 3500 Farm Bureau members from throughout Montana.

Mr. Chairman, Farm Bureau supports Senate Bill 219. We are on record as recommending that any landowner that incurs property damage due to wildlife be compensated by the Department of Fish, Wildlife, and Parks. We also see the need to require that the landowner allow reasonable hunting on his property to entitle him to such compensation.

Farm Bureau recommends passage of Senate Bill 219.

Thank you.

SIGNED: Valerie Larson

FARMERS AND RANCHERS UNITED

VISITORS' REGISTER

Fish and Game COMMITTEE

BILL NO. SB219 DATE March 7

SPONSOR

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Don Chance	Montana Wildlife Fed.	X	
Kim Enkerud	Montana Stockgrowers	X	
Valerie Larson	Farm Bureau Mutual	X	
Kathy Hadley	self	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.